

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:18-CR-147-TAV-HBG
)	
GUY R. JENKINS, III,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case is before the Court on Defendant Guy Jenkins's Unopposed Motion to Continue Due Date of Pretrial Motions and Trial Date [Doc. 863], filed on April 3, 2020. Defendant Jenkins asks the Court to continue the May 12, 2020 trial date, as well as the motion and plea deadlines, to give counsel additional time to investigate the case, prepare and file pretrial motions, complete negotiations, and prepare the case for trial. The motion relates that counsel has had difficulty communicating with the Defendant, due to restrictions relating to the COVID-19 pandemic. The motion states that the Government does not object to the requested continuance. Defense counsel filed an *ex parte* affidavit [Doc. 867] further explaining the need for a continuance. The parties have conferred with Chambers and agreed on a new trial date of August 4, 2020.

The Court finds the Defendant's motion to continue the trial and other deadlines to be unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a

speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges Defendant Jenkins and twenty-eight named codefendants with conspiring to possess methamphetamine with intent to distribute between January 1, 2016, through October 2, 2018 (Count One). Defendant Jenkins is also charged with a substantive count of possessing methamphetamine with intent to deliver on April 2, 2018 (Count Nine). The Court substituted [Doc. 812] Attorney Jonathan Cave to represent Defendant Jenkins on February 6, 2020. Based on the representations of counsel in the motion and affidavit, the Court finds that defense counsel needs additional time to investigate the facts of the case, evaluate the need for pretrial motions, and prepare the case for trial. The Court also finds that counsel needs more time to confer with the Defendant. Thus, the Court finds that trial preparations cannot be completed by the May 12 trial date or in less than three months. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's unopposed motion [Doc. 863] to continue the trial and other pretrial deadlines is **GRANTED**, and the trial is reset to **August 4, 2020**. The Court finds that all the time between the filing of the motions for a continuance on **April 3, 2020**, and the new trial date of **August 4, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). The Court set a new schedule in this case, as follows: The deadline for filing pretrial motions is extended to **May 22, 2020**. Responses to pretrial motions are due on or before **June 5, 2020**. The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **July 6, 2020**. The parties are to appear before the undersigned for a final pretrial conference on **July 20, 2020, at 10:30 a.m.** This date shall also be the new deadline for filing motions *in limine*. Requests for special jury

instructions shall be filed no later than **July 24, 2020**, and must be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) Defendant Guy Jenkins's Unopposed Motion to Continue Due Date of Pretrial Motions and Trial Date [**Doc. 863**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **August 4, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **April 3, 2020**, and the new trial date of **August 4, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **May 22, 2020**. Responses to pretrial motions are due on or before **June 6, 2020**;
- (5) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **July 6, 2020**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **July 20, 2020, at 10:30 a.m.** This date is also the deadline for filing motions *in limine*; and
- (7) Requests for special jury instructions with appropriate citations shall be filed on or before **July 24, 2020**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge